

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 28 2021

Clerk, U.S. District & Bankruptcy
Court for the District of Columbia

CHRISTOPHER FOSTER,)
)
 Petitioner,)
)
 v.) Civil Action No. 21-1407 (UNA)
)
 UNITED STATES *et al.*,)
)
 Respondents.)

MEMORANDUM OPINION

Christopher Foster, appearing *pro se*, has filed a purported application for a writ of habeas corpus under 28 U.S.C. § 2241, captioned “Class Action Application for Insurrection Suppression, Employment-Service & Bounty,” ECF No. 1. “The writ of habeas corpus shall not extend to a [petitioner] unless” he is “in custody” under some authority. 28 U.S.C. § 2241(c). Petitioner’s address of record in Toledo, Ohio, appears to be a residence, and he has stated nothing to suggest that he is in custody. Even if he is challenging some form of custody, petitioner has not named a proper habeas respondent. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-39 (2004) (discussing the immediate custodian rule).

As for the “class action application,” a lay person like petitioner can neither prosecute the claims of other individuals nor act as a class representative *pro se*. *See* 28 U.S.C. § 1654 (“In all courts of the United States the parties may plead and conduct their own cases personally or by counsel[.]”); *U.S. ex rel. Rockefeller v. Westinghouse Elec. Co.*, 274 F. Supp. 2d 10, 16 (D.D.C. 2003), *aff’d sub nom. Rockefeller ex rel. U.S. v. Washington TRU Solutions LLC*, No. 03–7120, 2004 WL 180264 (D.C. Cir. Jan. 21, 2004) (“[A] class member cannot represent the class

without counsel, because a class action suit affects the rights of the other members of the class.”)
(citation omitted)). Therefore, this case will be dismissed. A separate Order accompanies this
Memorandum Opinion.



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TREVOR N. McFADDEN
United States District Judge

Date: May 28, 2021